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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/894,189 | 06/27/2001 | Ronald D. Stieger | 004524.P020 | 7080 |
| 7590 | 10/19/2004 | | EXAMINER | |
| Lawrence E. Lycke BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026 | | | BAKER, STEPHEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2133 | |
| DATE MAILED: 10/19/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/894,189 | STIEGER, RONALD D. | |
| | Examiner | Art Unit | |
| | Stephen M. Baker | 2133 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 June 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-44 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7, 11-19, 23, 24, 35-37, 39-42 and 44 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,154,489 to Kleider *et al* (hereafter Kleider).

Kleider discloses adaptive forward error correction for an image transmission system that may be implemented on a laser optical communication link (col. 6, lines 47-48), for which the modulator and antenna (113, 102) in Kleider's "optical transmitter" (101) would of course take the form of a "laser/driver unit" and the antenna and demodulator in Kleider's "optical receiver" (103) would of course take the form of an "optical detector/amplifier". Kleider shows an adaptive "error correction encoder" (111) for encoding data by using an "error correction algorithm selected from a predetermined set of error correction algorithms having differing data transfer rates" (col. 6, lines 56-61). Kleider refers to error correction codes as 'channel codes', and discusses changing the channel code rate and channel code strategy (col. 2, lines 15-44, column 12, lines 44-47). Kleider's optical link transmitter would send "optical signals modulated with data from the error correction encoder" to be decoded by an "error correction

decoder" (119) for decoding data "according to the error correction algorithm selected in the error correction encoder".

Regarding claims 2-6, 14-18 and 26-30, Kleider also provides an "error rate indicator" (127) that, in a laser link embodiment, would of course provide "an indication of a power level of the *optical* signal received" (col. 3, lines 54-59, col. 7, lines 38-50, col. 14, lines 9-18, col. 15, lines 20-30) to be provided to the optical transmitter, via a feedback loop (127-115) that involves "synchronization units" to be used for selecting the most suitable degree of error correction coding.

Regarding claims 11, 23, 36 and 41, Kleider further discloses using no error correction coding when the channel permits (col. 3, lines 36-39).

Regarding claims 12 and 24, Kleider's error rate indication can also involve output from the error correction decoder (col. 3, lines 20-23).

3. Claims 1-10, 13-22, 25-32, 35, 38-40, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,611,795 to Cooper (hereafter Cooper).

Cooper discloses adaptive forward error correction for a multimedia transmission system that may be implemented entirely on a laser optical communication link (col. 4, line 23) which of course would require an "optical transmitter" in the form of a "laser/driver unit" and an "optical receiver" in the form of an "optical detector/amplifier". Cooper requires (col. 5, line 18, col. 6, lines 21-67, col. 8, line 5 to col. 9, line 17) an adaptive "error correction encoder" for encoding data by using an "error correction algorithm selected from a predetermined set of error correction algorithms having

differing data transfer rates" (col. 7, lines 50-60). Cooper's optical link-only transmitter embodiment would of course send "optical signals modulated with data from the error correction encoder" to be decoded by an "error correction decoder" (146) for decoding data "according to the error correction algorithm selected in the error correction encoder".

Regarding claims 2-6, 14-18 and 26-30, Cooper also provides an "error rate indicator" (col. 8, line 53 to col. 9, line 38) that, in a laser link embodiment, would of course provide "an indication of a power level of the *optical* signal received". The "error rate indicator" supports exchange of modified error correction configuration parameters (col. 6, lines 21-26) to be provided to the optical transmitter, forming a feedback loop that of course involves "synchronization units" to be used for selecting the most suitable degree of error correction coding.

Regarding claims 8, 9, 20, 21 and 25-31, for a link that is exclusively optical fiber, rather than a hybrid network (col. 4, lines 19-25), Cooper's parameter exchange system (col. 6, lines 21-26) requires optical transceivers.

Regarding claims 10, 22 and 32, Cooper discloses communication with a modulated carrier wave, providing a "tone modulation".

Claim Rejections - 35 USC § 103

4. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper.

Cooper does not specify implementing the adaptive FEC coding logic by using FPGA logic. Official Notice is given that the ease of implementing fast adaptive logic by using FPGA logic was well known at the time the invention was made. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to implement Cooper's adaptive FEC code logic by using FPGA logic. Such an implementation would have been obvious because, as stated above, the ease of implementing fast adaptive logic by using FPGA logic was already well known.

Response to Arguments

5. Applicant's arguments filed 12 December 2003 have been fully considered but they are not persuasive.

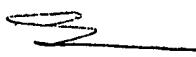
As previously noted, in accordance with standard, accepted terminologies in the coding art and the computer science art, codes with different (n, k) parameters are different "error correction codes" having different algorithms and "different data transfer rates". An algorithm can have more than one step and there is no apparent reason to exclude a puncturing step from being part of an "error correction algorithm" for an error correction code encoder. Even if the claims were amended to positively exclude a puncturing approach to achieving variable code rates, the puncturing approach is generally considered an improvement over using distinct encoders to generate error correction codes with various rates, and so merely reverting back to the approach of using distinct encoders would not provide a patentable distinction over puncturing.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (703) 305-9681. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen M. Baker
Primary Examiner
Art Unit 2133

smb